

ARGUING TO FREE THE EMBEZZLERS

Counsel Declares Conspiracy Indictment of Greene and Gaylor Not Extraditable.

GOVERNMENT'S CONVENTION

Claims There Was a Conspiracy to Defraud Which Was Put Into Operation.

(By Associated Press.)

SAVANNAH, January 10.—Not yet has the Greene and Gaylor case in the Federal Court reached the point of drawing a jury for the actual trial, and it may be days before that stage is arrived at, so slow is the progress made in the presentation of the defendants' special plea and opposition to it by the prosecuting attorneys. To-day, like yesterday, was consumed in the consideration of this special plea and there is every reason to believe that even to-morrow will not see its conclusion. In fact, it may be next week before the jury stage of the case is reached.

Upon the convening of the Federal Court to-day, A. A. Lawrence, of counsel for Greene and Gaylor, resumed his argument in support of the plea in abatement offered by the defense yesterday to the two indictments returned in 1899 and 1902 respectively. Mr. Lawrence quoted extensively from authorities relative to crimes and offenses extraditable, holding that the defendants had been extradited from Canada upon charges of conspiracy. He asserted that never among all the extradition treaties or requests for extradition to Great Britain was there one based upon a charge of conspiracy and that of the nearly 700 extraditions secured by the United States from the various countries with which it has extradition treaties, not one ever been upon charge of conspiracy. The wisdom of the exclusion of conspiracy from the list of extraditable offenses, he said, was evinced in the fact that it would be possible under its inclusion to extradite for almost any character of political offense, which usually carries with it capital punishment. Judge Spear interposed to ask the counsel if a conspiracy had been entered into and a crime committed, then could not those guilty be extradited; for, for instance, forty or fifty persons had conspired with a view to murder Mr. McKinley, would not they have been extraditable? Mr. Lawrence answered that they would not have been extraditable for the conspiracy, but for the overt act of murder which had been committed.

In response to a request from the court, Mr. Lawrence read the indictment brought in 1902 against the defendants, and then Judge Spear asked Special Assistant Attorney-General Erwin to indicate the government's position.

Mr. Erwin said the government contends that there was a conspiracy to defraud and that this was put into operation and that the putting of this fraud into operation constituted fraud and was therefore extraditable.

There were specified offenses, too, in the indictment, one consisting in the presentation for payment of fraudulent accounts.

Mr. Lawrence argued that the last two indictments for embezzlement and receiving embezzled funds, returned last November, had been brought because the government recognized that it was extremely doubtful if the defendants could be tried upon the old ones, because they had not set forth charges under which they could be extradited.

Counsel for the defense, Mr. Erwin said, was going over the ground that the defendants' Canadian counsel had gone over in fighting extradition, and that the idea now to ensure trial by habeas corpus had been, as they alleged, extradited wrongfully upon charges under which they really should not have been extradited. Were they extradited for conspiracy?

Mr. Erwin replied that they had been extradited for participation in fraud with an agent, this agent having been Captain Carter.

CONTENTION OF DEFENSE.

Upon the conclusion of the argument of Mr. Erwin, P. W. McElrath, leading counsel for the defense, followed in support of the contention that the defendants could not be brought back to the United States from Canada upon one charge and tried upon a different one. He cited decisions in favor of the correctness of this position. The defendants, he stated, had been extradited for participation in fraud and the national honor demands that they be not tried for some other offense than that for which they had been extradited. Good faith must be kept, he declared, with Great Britain, the country that had delivered the prisoners, and the defendants must not be tried upon charges of conspiracy to which they were subjected in the indictments returned in 1899 and 1902.

Horace G. Stone, of Chicago, chief counsel for former Captain Carter, arrived today and was among the spectators in court. He said that Captain Carter is ready to appear as a witness or as a defendant to the indictments if he is wanted.

The government has not stated whether Captain Carter will be desired in either capacity.

In the Name of Sense, that good common sense of which all of us have a share, how can you continue to buy ordinary soda crackers, stale and dusty as they must be, when for 5¢ you can get

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fresh from the oven, protected from dirt by a package the very beauty of which makes you hungry.

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ABLE STATE PAPER TO THE LAWMAKERS

(Continued from First Page.)

expenditures and the setting of our faces against extravagance were never so important.

The work upon the Capitol seems a gratifying success. The addition of wings to the old building has not marred, but has rather improved the original structure, and I experience no regret at my somewhat venturesome recommendation of January, 1904, for this particular form of enlargement. Either the destruction of the old Capitol and the building of a new one, or the addition upon the old plan adopted, was feasible; and in doing the latter both expense and historic associations have been saved.

Liberal appropriations should be made for the mural decoration of the interior of the building, especially the legislative hall and the rotunda, and in the dome of the latter I would suggest frescoes typifying one or more historic events. Bronze statues of some of our early and great men should also be placed in the rotunda from time to time. These figures and mural pictures would make an excellent service to the people, and would be a source of pride to the State of the Union, and it would be a misfortune to withhold from our people such inspiring scenes of historic events.

It is also desirable that a terrace walk or stairway should be constructed from the portico of the Capitol to Bank Street. The convenience and beauty of the buildings and grounds would thus be greatly enhanced; and a driveway from the avenue at some point near the monument to and around the portico, and continuing to some point on the avenue near the yard of the executive mansion, together with proper grading of the grounds at the south and eastern sides of the Capitol, would accomplish a practical and artistic end.

Need New Dining-room.

The dining room of the executive mansion is unfortunately in the basement. A wing of one story added to the southern end of this building, and preserving the present style of architecture, would give private and public dining room on the first floor of the requisite dimensions and conveniences.

The use of convicts in the Capitol Square is poor economy, and their presence in prison garb, in full view of strangers and children, it at once forbidding and humiliating, and long practice in this respect should not be invoked for the continuance of a custom so repulsive.

The addition to the penitentiary has been completed with resultant benefits to humanity and discipline. The cost of water for this institution is a heavy item, and I concur in the recommendation of the superintendent and board for the erection of a new water system, both upon the ground of economy and sanitation. Your earnest consideration is also asked for the need of a dining hall for the convicts.

Care of the Insane.

The care of our insane is a growing problem. At the close of the fiscal year ending June 30, 1905, our four hospitals, an increase for the year of \$18,000, and 46 applicants awaiting vacancies. Thus it will be perceived that additional accommodations must soon be provided, and that the very necessary expenditure of one hundred and forty thousand dollars (\$140,000.00) for new buildings and additions within the past four years has not been sufficient.

Our jails are practically free of insane, but there are a few insane persons in the custody of relatives or friends at the expense of the State. In pursuance of an act of the General Assembly of 1903, an institution, just as she now does in the support of the reformatory for boys at Lynchburg.

The condition of our revenues is growing more satisfactory under the reforms instituted by the new Constitution. At the close of the fiscal year we had a balance of six hundred and thirty-two thousand four hundred and sixty-two dollars (\$632,462.00), which sum was available for the payment of extraordinary appropriations, thereby leaving three hundred and sixty-four thousand five hundred and thirty-five dollars (\$364,535.00). This latter sum, plus four million two hundred and fifty-three thousand four hundred and thirty-four dollars (\$4,253,434.00), the estimated income for the current year, will give a total of eight million eight hundred and ninety thousand and fifty-nine dollars (\$8,890,000.00) available for expenditures. But against this we should deduct certain regular expenses approximating three million six hundred and thirty-three thousand and thirty-three dollars (\$3,633,000.00); and thus it will

be seen that if the balance of three hundred and sixty-four thousand five hundred and thirty-five dollars (\$364,535.00) is excluded, we shall have over and above the regular expenses only the sum of five hundred and seventy-one thousand four hundred and sixty-five dollars (\$571,465.00). We expect our revenues to increase from year to year, yet with these figures, estimated by the First Auditor, it is evident that we have no large sum for extraordinary appropriations, and that the utmost economy and discrimination should be practiced, for sound financial demands that we look alone to our annual income rather than to a treasury balance which may not repeat itself.

Therefore, with the great need of money for education for today and for tomorrow, and the need of a reduction of our already low rate of taxation, for we shall need for some years to come all the revenue we can get, and more besides to meet the growth and progressive necessities of our people.

Treasury Department.

My former recommendations respecting the reorganization of the treasury department are renewed. The First Auditor should settle, collect, and deposit all moneys coming to the State, but he should be wholly unauthorized to issue his warrant upon the Treasurer for any sum whatever. The latter duty should be performed by the Treasurer. Such a reorganization, if properly safeguarded by a system of book-keeping wherein the entries of moneys received and paid out in these three offices could be identified with accuracy and ease, would result in the best possible protection of the funds of the Treasury. The concurrent and complementary accounts of the three offices would be disclosed by the system, which could be disclosed by the most efficient business methods. Nor should this reorganization be limited to the conduct of the entire Treasury department, but should extend to the entire State.

New System of Bookkeeping.

The necessity for a new system of bookkeeping in the Treasury department, in accordance with approved business methods, is also apparent. I would therefore ask your earnest consideration of the expediency of the introduction of modern accounting methods.

In this connection regret must be expressed that the last General Assembly failed to amend the standing "Auditing Committee" prescribed by the Constitution, and the Executive is therefore unable to require the submission of the report of this committee whose investigation and criticism would be so helpful.

The State should create one special accountant to inspect and scrutinize as far as possible the accounts, vouchers, and receipts of all departments and officials at the seat of government and elsewhere in the State who collect, account, or expend public moneys. Such an accountant, if selected solely for his experience and capacity, could hardly be expected to devote all his time to the duties of his office, but at least make a beginning of a work so much needed. Efficient officials would be required to assist him, and he would fear the disapproval of this accountant, the public profiting in either case by the expenditure of the State.

The United States government and perhaps in some of the States

of the Union, and has been satisfactory wherever tried.

The assessment of revenues is delicate and difficult task under any form of government; but man's mind is a marvelous machinery for this work is preferable. Since years ago the State created of itself called examiners of records, and one of whom in each judicial circuit must make assessments of all moneys, bonds, notes, stocks, and every species of personal property under the control of the court, as well as of all watercraft over five ton burden.

After making these valuations the examiners of record report them to the commissioners of revenue, who make extensions thereof upon their books, the State being committed to the Attorney General. There is hardly any class of property less difficult to reach and assess than that in question, and the fact that the State should have paid the large sum of one hundred and eighty-two thousand seven hundred and seventy dollars (\$182,770.00) and sixty-seven cents for the past ten years for work which could have been done by the commissioners of revenue, who are also paid the regular fees for extending these valuations, is a great wrong upon her tax-payers. I, therefore, advise the abolition of this new and unnecessary office, and the reposition of its duties upon the commissioners of revenue with rigid accountability of service.

Comprehensive civil service regulations authorized by statute and applicable to the appointment and retention of all clerks in the offices of the Treasury Department would be a beneficial achievement. The conduct of the State should be analogous to that of safe and sound banking institutions. A system of civil service should also be extended to the employees of the penitentiary and in some hospitals, other than their respective superintendents and assistants, and to the police, janitors, conductors of elevators and machinists employed at the seat of government.

The selection of these officials, as well as their tenure of office, should be determined wholly by efficiency and character, and removed entirely from the suspicion of political considerations.

Report Every Cause.

I renew my recommendation that Commonwealth's attorneys be required to report at least quarterly to the Attorney General the style of every cause, civil or criminal, to which the Commonwealth is a party, together with the disposition of such cause; if continued, the reasons therefor, and if concluded, the judgment therein. Such reports would give data to determine the relative increase or decrease of crime, and the effect of the judgments for costs and fines, thus enabling intelligent legislation to remedy our present wretched method for the collection of these judgments. This system is in vogue in the national government, and I have personal reasons for knowing that it expedites the administration of justice, saves expense and facilitates the collection of revenue.

The Confederate battle-flags which have been returned to the State by the United States Government should be under continuous official care, and deposited in some fire-proof receptacle adequate for the indefinite preservation of these emblems of our people in days of war. I am constrained to believe it is only necessary to invite your attention to this subject that the proposed legislation may be adopted.

Primary elections are the evolutionary growth of a democracy as administered by parties, but such a system is of little practical value unless controlled by effective safeguards. Not only should the expense, which is not a large item, for the conduct of the primary be borne by the State, but the system should be so arranged, the selection of judges of election should be legally provided for in a way to secure their unquestioned impartiality. The genius of our institutions demands the freest and fairest opportunity for the exercise of the ballot by those desiring to elect their government, but more disastrous to our country than an unfair or fraudulent election, primary or regular. But it is not alone necessary that the ballot be actually fair, it is almost of equal importance that the people should believe them to be fair, and therefore, their whole administration should be free from every semblance of partiality. In order that the purity of the ballot may be sustained by public confidence, which is actually attained if the judges of election are all taken substantially from one party or from one organization at parts.

Cause for Alarm.

The excessive use of money in elections should excite the concern of every citizen. I would therefore urge legislation not only prohibitory of all campaign contributions by corporations, but of the right of doing business by any corporation or individual, or of the exercise of any office, directly or indirectly, in or without the State, for the purpose of influencing any election in the State, primary or regular. Mere prohibition of campaign contributions on the part of the home corporations is futile. Many of our largest corporations are owned and controlled by foreign corporations, and it is apparent that great commercial interests are exercising an undue influence in the election or appointment of public officials by the illegal or criminal use of money throughout the several States. Virginia should assume the offensive against all such influences, and destructive forces which may be exercised for the degradation of her politics.

A comprehensive statute forbidding the payment of campaign taxes by other than the individual assessed should be enacted. The payment of poll taxes by others than the person who the tax is due, not only encourages, but is a prolific source of bribery. I would also suggest that the payment of such taxes be made by the person who the tax is due, and that no voter who sells his ballot for money or place or any other valuable consideration, without limitation of time, should be eligible to hold any office.

Public Education.

There has been greater popular interest taken in public education in the past four years than perhaps in the entire history of the State. During this time the welfare and progress of our free schools have elicited as never before the concern of the best character and talent of our Commonwealth.

This is a hopeful sign, for popular indifference to our free schools has been the chief cause of their slow growth. We need longer terms, fewer but better

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by using

Armour's Extract of Beef

A soup without flavor is worse than none at all. It spoils the whole meal.

Every housekeeper can make good soup if she adds to it a little of Armour's Extract of Beef.

Its rich, beefy flavor gives the soup a taste and zest that makes the mouth water and pleases the palate.

Armour's is a real Extract of Beef. It is the rich, red meat concentrated in the highest degree, full of the strength giving properties. Every ounce is pure and wholesome. Armour's Extract of Beef is sold by all druggists and grocers.

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ARMOUR'S EXTRACT OF BEEF.

schools and better teachers; and to this end we must have an annual appropriation of not less than two hundred thousand dollars (\$200,000.00) in addition to the special fund of two hundred thousand dollars (\$200,000.00) now appropriated, which would give four hundred thousand dollars (\$400,000.00) annually, over and above the income derived from the school tax. But this increased appropriation and the increased expenditure would not relieve the State of a fatal inertia. The remedy is deeper, for real educational vigor and progress now pleadingly await the helping hand of a law of compulsory attendance. This change is necessary and inevitable sooner or later. The individual rights of parents or guardians will be elaborately and refinedly asserted to obscure the merits of the issue. But our consideration should not be confined to the rights of parents or guardians. We must think of the rights of the children themselves. Their rights are the necessities of the State and who is to assert these rights if the State does not? Children are too ignorant to know or too weak to assert themselves. Public education is a public necessity. Only upon this ground can property be taken by force of law to maintain public schools.

Herein the State exerts her sovereign power in defense of herself; and if she can force a citizen to pay for a public education, she can not with equal justice force the parent to permit the child to share in the advantages incident to this necessary contribution? And if the State can prevent violence or wrong to the body of the child, she can with equal right prevent injury or wrong to the mind of the child, about fifty out of every one hundred white children are regular attendants upon our public schools. Thus it is apparent that poverty or ignorance or care of the parents or guardian withholds education from the child. Is it possible that these considerations should be permitted to imperil the State?

Compulsory Attendance.

Compulsory attendance prevails in every State of the Union with the exception of the Southern States, and even here Maryland and Kentucky have broken the reactionary fetters, and it may be generally affirmed that wherever the free school is efficient, either in America or abroad, legalized compulsory attendance prevails. I, therefore, press upon you the inauguration of this system, with such flexibility in its administration as may be expedient under section 128 of the Constitution. If, however, the General Assembly is unwilling to take this step for the whole State, I earnestly recommend your honorable body to empower any county or city of the State with the option of enforcing compulsory attendance.

It is with inexpressible concern that I commend this great enterprise to your consideration. If you make this transcendent contribution to the progress, intelligence and virtue of the Commonwealth, this General Assembly will be affectionately and gratefully remembered by all coming generations.

Library's Service.

Our library is now becoming, as Mr.

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Get in touch with us, personally or by mail, and secure our prices on your wants. We have the largest stock in the State of V Crimp and Corrugated Roofing, both painted and galvanized; Roofing Tin, Lime, Cement, Terra Cotta Pipe, Wire, etc., and can save you money.

Baldwin & Brown,

Opposite Old Market.
Hardware, Nails, Barbed Wire, Etc.

Jefferson contemplated an adjunct of popular education. I therefore invite your closest perusal of the excellent report of the librarian, increased attention should be given to the librarian and his chief assistant; additional stock space should be allotted; traveling libraries by all means should be established; the preservation of our history should have legislative sanction and support. My former recommendations respecting the improvement of our common public highways I renew. Manifestly, there should be a road commissioner, or board, to consider, construct, improve, or repair roads. One from the University of Virginia and one from either the Virginia Military Institute or the Virginia Polytechnic Institute should be designated by the faculties of these institutions and to serve in an advisory capacity and without compensation, and the third to be selected by the trustees of the institutions just named, who shall be chairman of the commission and be given a fixed salary, unless he is himself an instructor in the faculties of these institutions and to serve in an advisory capacity and without compensation, and the third to be selected by the trustees of the institutions just named, who shall be chairman of the commission and be given a fixed salary, unless he is himself an instructor in the faculties of these institutions and to serve in an advisory capacity and without compensation, and the third to be selected by the trustees of the institutions just named, who shall be chairman of the commission and be given a fixed salary, unless he is himself an instructor in 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